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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,601	10/22/2003	Sinikka Sarkkinen	061604-0261	3866
30542 7590 07/10/2007 FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278			EXAMINER RUSSELL, WANDA Z	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 07/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/689,601	<b>Applicant(s)</b> SARKKINEN, SINIKKA	
	<b>Examiner</b> Wanda Z. Russell	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/18/2005</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: abbreviations need to be spelled out first time they occur, e.g. MBMS (it is spelled out second time on P. 3, not the first on P. 2, in the specification). Appropriate correction is required.

### *Claim Objections*

2. **Claim 1** is objected to because of the following informalities: it seems that the "a)" in claim 1 is a typo. There is no "b)" and the paragraphs are not arranged alphabetically. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 2 and 12** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 2, MBMS is not defined.

For claim 12, GGSN is not defined.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-8, 10-11, and 13-15** are rejected under 35 U.S.C. 102(b) as being anticipated by Raith (U.S. Patent 5,930,706).

For **claim 1**, Raith teaches a method (col. 5, line 65) of providing a broadcast (col. 21, line 7) or multicast (point-to-multipoint, col. 21, line 5) service to (col. 6, line 60) a terminal device (mobile station, col. 1, lines 32-33 & 29-34) in a data network (wireless communication system, col. 1, lines 8-9), said method comprising the steps of:

a) broadcasting (col. 21, line 7) a service notification (DCCH selection, col. 21, line 2 & lines 1-2) from said data network in response to a network-initiated creation (message, col. 1, line 10) of a service context; and

switching (acquisition, col. 21, line 1) a connection state of said terminal device to a dedicated channel (BCCH, col. 20, line 62, and col. 21, line 36) state in which a dedicated physical channel is allocated to said terminal device (col. 5, line 1 & lines 1-5), after reception of configuration parameters (DCCH structure parameters, col. 21, line 7) for said broadcast or multicast service from a related control channel (DCCH, col. 1, line 12).

For **claim 2**, Raith teaches a method according to claim 1, wherein said broadcast or multicast service is an MBMS (various data, col. 6, line 22 & lines 20-22, conversations, col. 3, line 29, short messages, col. 21, lines 5-6; and point-to-multipoint, col. 21, line 5) service.

For **claim 3**, Raith teaches a method according to claim 1, wherein said notification triggers said terminal device to listen to said related control channel (col. 21, lines 50-51).

For **claim 4**, Raith teaches a method according to claim 1, wherein said notification allows said terminal device not to respond (stay in sleep mode, col. 21, line 53) to the received service indication (col. 21, lines 52-54).

For **claim 5**, Raith teaches a method according to claim 1, wherein said switching is performed after reception of said configuration parameters from said related control channel (col. 21, lines 1-3).

For **claim 6**, Raith teaches a method according to claim 5, wherein said state switching is ordered by a network element (mobile station, col. 5, lines 1-5) based on said configuration parameters.

For **claim 7**, Raith teaches a method according to claim 6, wherein said state switching order is issued to said terminal device and said network element derives the current state of said terminal device based on said state switching order (col. 5, lines 1-5).

For **claim 8**, Raith teaches a method according to claim 1, wherein said connection state is switched to said dedicated channel (BCCH, col. 20, line 62, and col. 21, line 36) state from a paging channel state (PCH, col. 21, line 15).

For **claim 10**, Raith teaches a method according to claim 1, wherein said service notification caused by a network-initiated activation of a service data transmission (col. 1, lines 8-12).

For **claim 11**, it is a system (apparatus, col. 5, line 65) claim corresponding to method claim 1, therefore it is rejected for the same reason above.

For **claim 13 and 15**, they are system (apparatus, col. 5, line 65) claims corresponding to method claim 9, therefore it is rejected for the same reason above.

For **claim 14**, it is a system (apparatus, col. 5, line 65) claim corresponding to method claim 8, therefore it is rejected for the same reason above.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 9 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (U.S. Patent 5,930,706), in view of Chen (Pub No. US 2002/0126636).

For **claim 9**, Raith substantially teaches a method claimed as applied above (see claim 1 and 8). In addition, Raith substantially teaches a method according to claim 8, wherein said connection state is switched from a CELL-PCH (col. 21, line 15) state to a CELL-DCH (BCCH, col. 21, line 36) of a UMTS radio access network.

However, Raith fails to specifically teach UMTS radio access network.

Chen teaches UMTS radio access network (Title, and [0003]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Raith with Chen to obtain the invention as specified, for comprising a Core Network-operating Multi-Protocol Label Switching.

For **claim 12**, Raith substantially teaches the system claimed as applied above (see claim 11).

However, Raith fails to specifically teach GGSN.

Chen teaches a system, wherein said broadcasting means is a GGSN (Fig. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Raith with Chen to obtain the invention as specified, for more choices of services, in the communication system.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda Z. Russell whose telephone number is (571) 270-1796. The examiner can normally be reached on Monday-Thursday 9:00-6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
7/9/07  
WING CHAN  
SUPERVISORY PATENT EXAMINER